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J.B.

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
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09/405,490 09/24/99 SINCLAIR

M NC27304

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| EXAMINER |
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QM22/0620

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|-------------|--------------|
| CHERUBIN, Y | |
| ART UNIT | PAPER NUMBER |

3713

DATE MAILED:

06/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/405,490

Applicant(s)

SINCLAIR ET AL.

Examiner

Yveste G. Cherubin

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sept 24, 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

1. This is a response to the communication filed on April 24, 1999 in which claims 1-24 are pending.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Information Disclosure Statement

3. Note that Examiner crossed the cited US Patent No. 5,738,583 to Comas et al. in the Information Disclosure Statement, Paper No. 5 because it was already cited in the prior Information Disclosure Statement, Paper No. 4 sent by Applicant.

Claim Rejections - 35 USC § 112

4. Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 11, lines 3-4, there should be a comma after "connected to said controller" because the absence of the comma renders the claim ambiguous.

As per claims 12-16, they are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comas et al. (US Patent No. 5,738,583) in view of Best (US Patent No. 4,445,187) .

a) As per claims 1-10, 17, 22, Comas discloses a system and method of use of an interactive wireless gaming system (100). Comas, in Fig 1, discloses a mobile station such as pagers (10A-10D) communication in a two-way fashion to a game server via a paging server (32), 2:39-54. The paging unit receiving messages and providing acknowledge back response are possible through the use of a transducer (29). In 4:33-63, Comas discloses that his system allows each gaming unit to operate alternately as a host device and as a guest device to transmit and receive data signals to and from the gaming units (10A-D) and the game server (31). Comas further discloses the game server (31) operating through a local area network (33), communicating with the paging server (32) which controls the transmission and reception of periodically updated data signals to and from a paging base station. Comas further discloses using a game ROM that contains all of the menus required to select the readout of stored information as well as graphic representations and that verbal communications are possible, 4:17-32, however Comas does not *explicitly* disclose a voice command recognized by said interactive voice response unit. Best teaches an electronic interactive system wherein the viewer is offered a menu of words, phrases or sentences to choose from. Once the viewer has made a selection,

the system addresses the appropriate audio and video frames on a random-access videodisc or other memory to change the application state and continue with the progression of the game. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the interactive type system of Best into the Comas type system in order to make the game more interesting.

b) Claims 11-16, 18-21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comas in view of Best as applied to claims 1-10, 17, 22 above, and further in view of Ruthkowski (US Patent 5,806,849).

As per claims 11-16, 18-21, 23-25, they recite the limitations of claims 1-10, 17, 22 therefore refer to the discussion of claims 1-10, 17, 22 above for the rejection. However, Comas in view of Best do not disclose the limitations of having said controller connected to an interactive voice response unit that is configured to interpret and synthesize voice commands. Ruthkowski discloses a system and method of use of an electronic gaming system comprising of a game console and a wireless controller wherein the console and the controller may be operated at large distance apart from each other. Ruthkowski further discloses a plurality of wireless controllers (14) wherein the controller employs radio frequency signals to send information to the console. The console (12) executes a game program which is interactive and capable of receiving and processing input signals during execution to control actions occurring within the game. On the transmission side, the communication system comprises a microphone (28) for converting

voice signals to electrical signals, modulator (30) for transforming the electrical signals into radio frequency signals, and transmitter (32) for sending the signals onto antenna (26) where the signals are broadcast. On the reception side, the communication system comprises a receiver (34) for receiving signals captured by antenna (26), a demodulator (36) for demodulating the received signals therefrom and a speaker (38) for converting the derived electrical signals into audio signals. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the signal conversion of Rutkowski into the Comas in view of Best type system in order to provide a voice communication system which would allow players to speak to one another and add to the realism of the game. As per claims 12, 20 Comas discloses a wireless system comprising a game server, communicating with the pagers through a local area network, 3:15-25.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) US Patent No. 5,999,808 to Ladue which teaches wireless gaming method.
- b) US Patent No. 5,593,349 to Miguel et al. which teaches automated league and tournament system for electronic games.

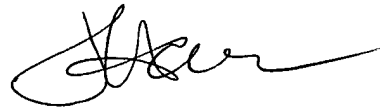
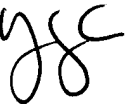
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

June 15, 2001

ygc



JESSICA J. HARRISON
PRIMARY EXAMINER